

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BECKLEY

|                           |   |                          |
|---------------------------|---|--------------------------|
|                           | X |                          |
|                           | : |                          |
| UNITED STATES OF AMERICA, | : | Criminal Action          |
|                           | : |                          |
| Plaintiff,                | : | No. 5:19-cr-00247        |
|                           | : |                          |
| v.                        | : |                          |
|                           | : | Date: September 21, 2020 |
| NATALIE P. COCHRAN,       | : |                          |
|                           | : |                          |
| Defendant.                | : |                          |
|                           | X |                          |

TRANSCRIPT OF VIDEO PLEA HEARING HELD  
BEFORE THE HONORABLE FRANK W. VOLK, JUDGE  
UNITED STATES DISTRICT COURT  
IN BECKLEY, WEST VIRGINIA

APPEARANCES:

|                     |  |
|---------------------|--|
| For the Government: | AUSA KATHLEEN ROBESON<br>United States Attorney's Office<br>P. O. Box 1713<br>Charleston, WV 25326-1713                    |
| For the Defendant:  | AFPD RHETT H. JOHNSON<br>Federal Public Defender's Office<br>Room 3400<br>300 Virginia Street East<br>Charleston, WV 25301 |
| Probation Officer:  | Jeff Gwinn   |
| Court Reporter:     | Ayme Cochran, RMR, CRR   |

Proceedings recorded by mechanical stenography;  
transcript produced by computer.

1 PROCEEDINGS had before The Honorable Frank W. Volk,  
2 Judge, United States District Court, Southern District of  
3 West Virginia, in Beckley, West Virginia, on September 21,  
4 2020, at 11:07 a.m., as follows:

5 THE COURT: Good morning. Counsel, we're ready to  
6 go forward in the case of Natalie Cochran. If counsel will  
7 please note their appearances for the record.

8 MS. ROBESON: Good morning, Your Honor. Kathleen  
9 Robeson representing the United States.

10 MR. JOHNSON: Good morning, Your Honor. Rhett  
11 Johnson on behalf of Ms. Cochran.

12 THE COURT: Mr. Johnson, I am having a lot of  
13 trouble making out your voice clearly.

14 MR. JOHNSON: Your Honor, there is one issue.  
15 Since we're in the same room, we can't have both of our mics  
16 and speakers on, so I'm having to communicate through the  
17 computer set up for Ms. Cochran, but I will try to speak as  
18 loudly as I can.

19 THE COURT: Thank you very much.

20 And so your client is present, as well?

21 MR. JOHNSON: She is here with me, yes, Your  
22 Honor.

23 THE COURT: Thank you very much.

24 Mr. Johnson, it is my understanding that your client  
25 desires to plead guilty to the charges contained in Counts 6

1 and 18 of the indictment; is that correct?

2 MR. JOHNSON: It is, Your Honor.

3 THE COURT: I'll ask the clerk to please  
4 administer the oath.

5 COURTROOM DEPUTY CLERK: Please raise your right  
6 hand.

7 **NATALIE P. COCHRAN, DEFENDANT, SWORN**

8 THE COURT: Could you please repeat that answer?

9 THE DEFENDANT: Yes, I do.

10 THE COURT: Thank you.

11 Now, Ms. Cochran, you are under oath now, and I'm sure  
12 you know that if you answer any of my questions falsely,  
13 those answers might later be used against you in another  
14 prosecution for perjury or for making a false statement.

15 Now, during the course of this hearing, I'm going to be  
16 asking you a number of questions. At any point, if you feel  
17 like you need to ask for an explanation or consult with Mr.  
18 Johnson, I'll be happy to give you the opportunity to do so.

19 Now, again, for the record, would you please state your  
20 full name?

21 THE DEFENDANT: Natalie Paige Cochran.

22 THE COURT: How old are you, Ms. Cochran?

23 THE DEFENDANT: 39.

24 THE COURT: And how much education have you had?

25 THE DEFENDANT: I have a Doctorate of Pharmacology

1 from West Virginia University and I have a Management of  
2 Healthcare Administration degree.

3 THE COURT: So, I take it you can read and write?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Have you recently been under the care  
6 of a doctor, psychiatrist or other medical professional for  
7 any serious physical or emotional illness?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Would you please give me the  
10 circumstances of that? And the reason it's necessary is  
11 that I need to make certain that you are competent and  
12 capable of entering an informed plea.

13 THE DEFENDANT: I've had two heart surgeries in  
14 the last 60 days and I have an implantable heart monitor  
15 now. I frequently pass out because my heart rate goes too  
16 high, but it doesn't affect me cognitively.

17 THE COURT: Understood. Are you using any form of  
18 controlled substance, or medication, or alcohol that might  
19 affect your ability to understand this proceeding?

20 THE DEFENDANT: No, Your Honor.

21 THE COURT: And, Mr. Johnson, do you have any  
22 reason to question the competence of your client to proceed?

23 MR. JOHNSON: I do not, Your Honor.

24 THE COURT: Very well.

25 Ms. Cochran, I find that you are competent and capable

1 of entering an informed plea.

2 Now, Ms. Cochran, do you believe you have had adequate  
3 time to discuss your case with Mr. Johnson?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: And has he been able to answer your  
6 questions about how best to proceed?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Are you completely satisfied with the  
9 legal advice he's rendered to you thus far?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: Now, Mr. Johnson, during the time  
12 you've represented Ms. Cochran, has she been cooperative  
13 with you?

14 MR. JOHNSON: She has, Your Honor.

15 THE COURT: Have you had adequate time to discover  
16 the Government's case, to consider potential defenses, and  
17 consider potential sentences?

18 MR. JOHNSON: Yes, Your Honor.

19 THE COURT: And have you discussed all of these  
20 things, all of these issues, with your client?

21 MR. JOHNSON: Yes, I have.

22 THE COURT: Now, Mr. Johnson, is there a proposed  
23 plea agreement in the case?

24 MR. JOHNSON: There is, Your Honor.

25 THE COURT: I'm going to ask Ms. Robeson to please

1 summarize the contents of that agreement.

2 MS. ROBESON: Yes, Your Honor. Paragraph 1  
3 outlines the charging agreement. Ms. Cochran is charged in  
4 a 26-count indictment. Counts 1 through 11 charge  
5 violations of 18 U. S. C. Section 1343, which are wire fraud  
6 counts. Count 12 charges a violation of 18 U. S. C. Section  
7 1344, which is bank fraud. Counts 13 through 16 are  
8 violations of 18 U. S. C. Section 1028A, which is aggravated  
9 identity theft. Count 17 charges another violation of 18 U.  
10 S. C. Section 1343, wire fraud.

11 And Counts 18 through 24 charge violations of 18 U. S.  
12 C. Section 1957, money laundering offenses. Counts 25 and  
13 26 charge bankruptcy fraud offenses, a violation of 18 U. S.  
14 C. Section 157(2) and 18 U. S. C. Section 152(2)  
15 respectively.

16 Paragraph 2 outlines the resolution of the charges.  
17 Ms. Cochran will plead guilty to Count 6 of the indictment,  
18 which is a wire fraud violation, and Count 18, which is a  
19 money laundering violation.

20 Count 3 sets forth the maximum penalty, which is -- for  
21 the combined for both of those charges is up to 30 years in  
22 prison; a fine up to \$500,000.00; up to three years of  
23 supervised release per count; and a special assessment of  
24 \$200.00.

25 Paragraph 4 provides for a payment of the \$200.00

1 special assessment.

2 Paragraph 5 outlines Ms. Cochran's restitution  
3 responsibility. Provides that all monetary penalties are  
4 due and payable immediately. She agrees that she owes  
5 restitution in the amount of \$2,564,063.33, minus the amount  
6 of money returned to the victims, which the Court decides to  
7 credit against her restitution debt. She further agrees to  
8 cooperate with the United States and the Financial  
9 Litigation Unit in collecting any amounts due and payable.

10 Paragraph 6 is the forfeiture section. The defendant  
11 agrees to forfeit any property that is in her possession or  
12 under her control that is proceeds or is derived from  
13 proceeds she gained unlawfully from her wire fraud offenses  
14 and bank fraud. Ms. Cochran also agrees that she will not  
15 contest the forfeiture in the indictment, which includes a  
16 \$1 million money judgment for the property that was seized  
17 during the investigation, and this list includes \$44,935.01  
18 and a check which represents the funds that were in the  
19 First Community Bank account held in Tactical Solutions  
20 Group's name, a 1965 Shelby Cobra, two 2017 Yamaha  
21 motorcycles, a 2014 Big TEX dump truck, diamond hoop  
22 earrings, a Toyota 4Runner, a 2008 Dodge Ram, a 2014 Sundown  
23 Rancher trailer.

24 And then, real property located at 219 North Eisenhower  
25 Drive, Beckley, and also at 210 Parkwood Drive, Beckley, and

1 as part of a global resolution in this case and the parallel  
2 forfeiture action, which is located at 5:19-cv-537, and  
3 that's *United States v. Real Property Situated at 433 4-H*  
4 *Lake Drive, Daniels, Raleigh County, West Virginia, et. al.*

5 The United States agrees that it will not pursue  
6 further civil or criminal forfeiture proceedings against the  
7 particular property of 433 4-H Lake Drive if Ms. Cochran  
8 will pay the \$91,837.43 in lieu of the forfeiture of her  
9 interests in that particular piece of real property, but Ms.  
10 Cochran will have to resolve any claims which third parties  
11 or lienholders have towards the 433 4-H Lake Drive property  
12 independently.

13 Paragraph 7 is Ms. Cochran authorizing the Financial  
14 Litigation Unit in the U. S. Attorney's Office to obtain a  
15 credit report from any major credit reporting agency prior  
16 to a sentencing to assess her ability to pay a fine.

17 Paragraph 8 requires her truthful cooperation with law  
18 enforcement, including providing grand jury and trial  
19 testimony, if requested.

20 Paragraph 9 grants her use immunity for statements or  
21 testimony which she provides unless she violates the  
22 agreement except as expressly provided for in Paragraph 11.

23 Paragraph 10 limits use immunity to exclude information  
24 obtained from independent legitimate sources. The  
25 Government also reserves the right to prosecute her for



1 perjury or false statement, if applicable.

2 Paragraph 11 provides for a Stipulation of Facts and a  
3 Waiver of Federal Rule of Evidence 410. The parties agree  
4 that the facts comprising the offenses of conviction include  
5 those set forth in the attached Stipulation of Facts. Ms.  
6 Cochran agrees that if she withdraws from the agreement or  
7 it is voided as a result of her breach of its terms and she  
8 is tried on the charges in the indictment, the Government  
9 may use and introduce the Stipulation of Facts in its case  
10 in chief, cross examination, or in rebuttal. Ms. Cochran  
11 voluntarily waives any right she has pursuant to Rule 410  
12 that would prohibit such use.

13 The Government cannot use the stipulation if the Court  
14 rejects the plea agreement through no fault of Ms. Cochran  
15 or declares it void due to the Government's breach of its  
16 terms.

17 The parties understand that the Court is not bound by  
18 the stipulation and if some or all of it is not accepted by  
19 the Court, the parties will not have the right to withdraw  
20 from the agreement.

21 Paragraph 12 covers the waiver of appeal and collateral  
22 attack. Ms. Cochran and the United States agree that she  
23 waives her right to appeal any sentence except if the  
24 sentence of imprisonment deviates from the agreed-upon range  
25 of 37 to 135 months as set forth in Paragraph 13.

1 Ms. Cochran also waives her right to challenge her  
2 guilty plea, conviction and sentence in any collateral  
3 attack, including a motion brought under 28 U. S. C. Section  
4 2255. Neither waiver applies if it is based on a claim of  
5 ineffective assistance of counsel.

6 Paragraph 13 provides that pursuant to Rule  
7 11(c)(1)(C), the United States agrees that a sentence of  
8 imprisonment of at least 37 months and no more than  
9 135 months is an appropriate disposition. This agreement is  
10 not binding on the District Court unless the District Court  
11 refuses to accept this agreement, this plea agreement. If  
12 the District Court refuses to accept the plea agreement, Ms.  
13 Cochran has the right to void the agreement and may withdraw  
14 her guilty plea.

15 Paragraph 14 provides that Ms. Cochran waives her right  
16 to request records under FOIA or the Privacy Act pertaining  
17 to the investigation or prosecution of her case following  
18 final disposition.

19 Paragraph 15 provides that the matter of sentencing is  
20 within the sole discretion of the Court. The Government has  
21 made no representations or promises as to a specific  
22 sentence. The Government does reserve the right to inform  
23 the Probation Office and the Court of all relevant facts and  
24 conduct, present evidence and argument relevant to the  
25 Section 3553(a) sentencing factors, respond to questions,

1 correct mistakes in the Presentence Report, respond to  
2 statements made by or on behalf Ms. Cochran, and advise the  
3 Court of the extent of her cooperation and acceptance of  
4 responsibility.

5 Paragraph 16 sets forth that if either party violates  
6 the terms of this agreement, the other party will have the  
7 right to void this agreement.

8 And Paragraph 17 identifies the written agreement as  
9 the entire agreement between the parties.

10 Ms. Cochran has initialed each page and the plea has  
11 been signed by her, her attorney, and by myself on behalf of  
12 the United States.

13 THE COURT: Thank you very much.

14 And I would ask Mr. Johnson if that adequately  
15 summarizes the entire agreement between the parties?

16 MR. JOHNSON: Yes, it does, Your Honor.

17 THE COURT: Ms. Cochran, do you understand what  
18 the agreement does?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: Do you understand what it requires of  
21 you?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Do you have any questions about the  
24 plea agreement?

25 THE DEFENDANT: No, Your Honor.

1 THE COURT: Were each of the paragraphs of the  
2 plea agreement discussed with you prior to you reaching an  
3 agreement with the Government?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Are those, in fact, your initials on  
6 the first ten pages of the plea agreement?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: And is that your signature at the  
9 bottom of Page 11 and on the Stipulation of Facts labeled  
10 Exhibit A?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Now, do you also understand that you  
13 have entered into a Stipulation of Facts and that could be  
14 entered into evidence against you as evidence if you were to  
15 breach the plea agreement and go to trial?

16 THE DEFENDANT: Yes, I do, Your Honor.

17 THE COURT: And do you understand that you have  
18 waived the right under Federal Rule of Evidence 410 to  
19 challenge the use of that stipulation?

20 THE DEFENDANT: Yes, I do, Your Honor.

21 THE COURT: Now, do you understand, Ms. Cochran,  
22 that the Court has the ability to reject or accept the plea  
23 agreement and do you, indeed, wish the Court to accept the  
24 plea agreement?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: Well, I will defer acceptance of the  
2 plea agreement until I have had an opportunity to review  
3 your Presentence Investigation Report. Even so, I order the  
4 original plea agreement to be filed as part of the record in  
5 this case.

6 Now, have you received a copy of the indictment, Ms.  
7 Cochran?

8 THE DEFENDANT: Yes, I have, Your Honor.

9 THE COURT: Have you had an opportunity to review  
10 it?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Would you like me to read it to you  
13 again or do you wish to waive that reading?

14 THE DEFENDANT: I would like to waive that  
15 reading, Your Honor.

16 THE COURT: Ms. Cochran, how do you plead to the  
17 charges contained in Counts 6 and 18 of the indictment?

18 THE DEFENDANT: I plead guilty, Your Honor.

19 THE COURT: Now, Ms. Cochran, before I accept that  
20 plea, I want to make sure that there is a factual basis for  
21 it, that you understand the nature of the charges against  
22 you and the consequences of pleading guilty, that you  
23 understand the constitutional and other legal rights you  
24 give up by pleading guilty, and that, also, that you're  
25 doing so voluntarily.

1           Now, let me go over the charges with you. First, Count  
2       6 of the indictment charges you with wire fraud in violation  
3       of 18 U. S. C. Section 1343 and that statute states in  
4       pertinent part as follows: Whoever, having devised or  
5       intending to devise any scheme or artifice to defraud, or  
6       for obtaining money or property by means of false or  
7       fraudulent pretenses, representations, or promises,  
8       transmits or causes to be transmitted by means of wire,  
9       radio, or television communication, in interstate or foreign  
10      commerce, any writings, signs, signals, pictures or sounds  
11      for the purposes of executing such scheme or artifice, shall  
12      be guilty of a crime against the United States.

13           Now, if the Government had to go to trial in this case,  
14      it would have to prove the following elements against you  
15      beyond a reasonable doubt:

16           First, that you knowingly -- pardon me. You knowingly  
17      devised or knowingly participated in a scheme or artifice to  
18      defraud; or you knowingly devised or knowingly participated  
19      in a scheme or artifice to obtain money or property by means  
20      of false or fraudulent pretenses, representations or  
21      promises; and the false pretenses, representations or  
22      promises comprising thereof were material; and you acted  
23      with the intent to defraud; and then, finally, in advancing,  
24      or furthering, or carrying out this scheme to defraud or  
25      scheme to obtain money or property by means of false or

1 fraudulent pretenses, representations or promises, you did,  
2 indeed, transmit, or cause to be transmitted, by a wire  
3 entered into interstate commerce some communication for the  
4 purpose of executing the scheme to defraud.

5 Now, the phrase any scheme or artifice to defraud means  
6 any deliberate plan of action or course of conduct by which  
7 someone intends to deceive or to cheat another, or by which  
8 someone intends to deprive another of something of value.

9 The phrase false or fraudulent pretenses,  
10 representations or promises means a statement or an  
11 assertion which concerns material or important fact, or a  
12 material or important aspect of the matter in question, and  
13 it was either known to be untrue at the time it was made or  
14 used, or that it was made or used with reckless indifference  
15 as to whether it was, in fact, true or false, and made or  
16 used with the intent to defraud.

17 A false statement is "material" under the statute if it  
18 has a natural tendency to influence, or is capable of  
19 influencing, the decision of the person or entity to which  
20 it is addressed.

21 An intent to defraud means to act knowingly and with  
22 the intention or the purpose to deceive or to cheat. An  
23 intent to defraud is accompanied ordinarily by a desired  
24 purpose to bring about some gain or benefit to one's self,  
25 or some other person, or by a desire or purpose to cause

1 some loss to some person.

2 And then, finally, the phrase "transmits by means of  
3 wire, radio or television communication in interstate  
4 commerce" means to send from one state to another by means  
5 of telephone or telegraph lines or by means of radio or  
6 television.

7 Now, Ms. Cochran, considering those definitions, do you  
8 consider yourself to be guilty of violating 18 U. S. C.  
9 Section 1343?

10 THE DEFENDANT: Yes, Your Honor, I do.

11 THE COURT: Now, could you please explain to me  
12 what you did that you believe makes you guilty of that  
13 offense?

14 THE DEFENDANT: In Count 6, I received -- or I was  
15 a party that received \$511,000.00 from an investor that was  
16 working with our company for a contract that was not  
17 legitimate at that time.

18 THE COURT: Understood. And did you intend, when  
19 you acted, with an intent to defraud?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: And as a part of this scheme that you  
22 had, did you transmit or cause to be transmitted by wire  
23 some communication that facilitated the scheme to defraud?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: What was that exactly?



1 THE DEFENDANT: I knew -- I knew that someone was  
2 going in to wire it and I knew that the person was  
3 communicating with the other party to have it wired to us.

4 THE COURT: Understood. Were they acting at your  
5 direction in using the wires to do so?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Thank you. And did these acts occur  
8 on or about October 1, 2018, at or near Beckley, Raleigh  
9 County, in the Southern District of West Virginia?

10 THE DEFENDANT: Yes, sir, they did.

11 THE COURT: Thank you.

12 Let's move to the next count, which is Count 18. It  
13 charges you with an unlawful monetary transaction in  
14 violation of 18 U. S. C. Section 1957, and that statute  
15 states pertinently as follows: Whoever in the United States  
16 knowingly engages or attempts to engage in a monetary  
17 transaction in criminally deprived property that is of a  
18 value greater than \$10,000.00 and is derived from specified  
19 unlawful activity commits a crime against the United States.

20 Now, if the Government had to go to trial in this case,  
21 it would have to prove the following elements against you  
22 beyond a reasonable doubt:

23 First, that you knowingly engaged in the monetary  
24 transaction; that the monetary transaction was in property  
25 of a value greater than \$10,000.00; that the property was

1 derived from a crime specified in the statute; that you knew  
2 the monetary transaction involved proceeds of that specified  
3 crime; the monetary transaction took place in the United  
4 States; and that the monetary transaction effected  
5 interstate commerce.

6 Now, an act is done knowingly if it's done voluntarily  
7 and intentionally and not because of mistake, or accident,  
8 or some innocent reason.

9 A withdrawal of \$37,500.00 from TSG's City National  
10 Bank account to purchase a 1965 Shelby Cobra would qualify  
11 as a monetary transaction.

12 The specified unlawful activity in the elements  
13 includes wire fraud.

14 And the term interstate commerce means trade or travel  
15 from one state to another.

16 Now, Ms. Cochran, considering those definitions, do you  
17 consider yourself to be guilty of violating 18 U. S. C.  
18 Section 1957?

19 THE DEFENDANT: Yes, sir, I do.

20 THE COURT: Ms. Cochran, what is it exactly that  
21 you did that you believe makes you guilty of that offense?

22 THE DEFENDANT: I -- I went into the bank and used  
23 money from the business account and wired it to the  
24 manufacturer of the Shelby Cobra so that it could be  
25 purchased for my husband.

1 THE COURT: Thank you. And did you know that the  
2 proceeds of the specified crime, the wire fraud, were part  
3 of this monetary transaction?

4 THE DEFENDANT: Yes, sir, I did.

5 THE COURT: And where did you send this wire  
6 transaction to?

7 THE DEFENDANT: I -- I'm not sure. It was to a  
8 company in Florida, but I'm not sure if their accountant was  
9 in North Carolina or Florida. I don't -- I don't remember.

10 THE COURT: That's fine. It was, however, in the  
11 United States, I take it?

12 THE DEFENDANT: Yes, sir, it was.

13 THE COURT: And did these acts occur on or about  
14 May 16, 2018, at or near Beckley, in Raleigh County, in the  
15 Southern District of West Virginia?

16 THE DEFENDANT: I believe so, Your Honor.

17 THE COURT: Thank you.

18 Ms. Robeson, would you please make a proffer as to what  
19 the Government would have been able to prove in this case as  
20 to these two charges?

21 MS. ROBESON: Yes, Your Honor. The United States  
22 would meet its burden of proof by showing texts from Ms.  
23 Cochran to the various individuals that she induced to  
24 invest in Government contracts that she falsely claimed her  
25 company, Technology Management Solutions, which is TMS, and

1 Practical Solutions Group, PSG had won -- and that would  
2 include the text to investor in Count 6, where she said --

3 THE COURT: Ms. Robeson, if I could, if you could  
4 please not so much speak loudly, but just enunciate, as best  
5 you're able to do so, into the microphone.

6 MS. ROBESON: Yes, Your Honor. I'm sorry for  
7 that. But we would show texts from Ms. Cochran to various  
8 investors, including the investor that's involved in Count  
9 6, wherein Ms. Cochran stated that her companies had won  
10 government contracts and she was soliciting investments from  
11 these people to the contracts.

12 We would then show evidence that Ms. Cochran's  
13 companies, nor Ms. Cochran, had won any contracts, including  
14 the contract that was at issue in Count 6.

15 We would also show evidence from Ms. Cochran's bank  
16 statements and the bank statements of the companies showing  
17 that they did not have income coming from government  
18 contracts. There was no expenditures related to contracts.

19 And then, finally, we would provide testimony from the  
20 government -- from a government agent saying that these  
21 companies had not won a contract and that the contract  
22 number she provided to this investor, as well as other  
23 investors, were not consistent with how the U. S. Government  
24 writes contract numbers at all.

25 And then we would show the bank statement showing the

1 wire of the half million dollars going into Ms. Cochran's  
2 account. So, that is for Count 6.

3 For Count 18, we would rely on the same evidence to  
4 show that Ms. Cochran knew that the money in her bank  
5 accounts were from illegal proceeds. And then, we would  
6 show that expenditure of \$37,500.00 to the company in  
7 Florida to purchase the 1965 Shelby Cobra.

8 THE COURT: Anything further?

9 MS. ROBESON: There would be lots of testimony  
10 from various witnesses, government agencies, and so forth,  
11 Your Honor.

12 THE COURT: Does that conclude your proffer?

13 MS. ROBESON: Yes, Your Honor.

14 THE COURT: Ms. Cochran, is what Ms. Robeson just  
15 said correct?

16 THE DEFENDANT: I -- I think parts of it are, Your  
17 Honor, yes.

18 THE COURT: Well, we can't go forward with that.  
19 What part of it do you quarrel with?

20 THE DEFENDANT: I just -- I haven't heard all of  
21 the witnesses' testimony, so I don't know what they would  
22 say or what they wouldn't say, I guess is what I meant. She  
23 said she had government agencies and agents that were  
24 willing to come speak, and witnesses, and I don't know what  
25 they would say because I haven't heard any of that

1 testimony.

2 THE COURT: Well, I think it's essential that for  
3 a known and voluntary plea, you do, indeed, know what the  
4 summary of the Government's proof is. Are you able to  
5 elaborate further on the testimony that the United States  
6 would expect to elicit, Ms. Robeson?

7 MS. ROBESON: Yes, Your Honor. The first  
8 testimony would be from Robert Blalock. And this testimony  
9 has substantially been provided to the defense through his  
10 report. And it would go through the contracts that Ms.  
11 Cochran had listed, including the contract she offered as to  
12 Count 6 and his findings that these contracts were not  
13 awarded to Ms. Cochran or TSG or TMS.

14 The Government would also offer the testimony of the  
15 owner -- Count 6 -- and he would say that Ms. Cochran had  
16 induced him to --

17 THE COURT: Ms. -- Ms. Robeson, you broke up  
18 there. The owner of what or whom?

19 MS. ROBESON: The investor in Count 6 is the owner  
20 of a business. It's owned by several men. And we would  
21 offer the testimony of the business owners about their  
22 communications with Ms. Cochran. And the summary of this  
23 testimony has been provided to the defense in a report  
24 already, but he would testify that Ms. Cochran intended to  
25 invest in these contracts and that he sent the wire,

1 believing that he was investing in contracts.

2 We would also show text messages between Ms. Cochran  
3 and the owner of the company, as well as other investors,  
4 which show the same thing. These text messages have already  
5 been provided to the defense.

6 THE COURT: Thank you.

7 Now, Ms. Cochran, is what Ms. Robeson said is in  
8 supplement there and previously correct from your  
9 perspective?

10 THE DEFENDANT: Yes, Your Honor. I am generally  
11 aware of the nature of the Government's evidence against me  
12 and her proffer is consistent with that.

13 THE COURT: Thank you.

14 Mr. Johnson, are you satisfied that if this case went  
15 to trial, there would be no meritorious legal defense that  
16 you could raise to the charge?

17 MR. JOHNSON: Yes, Your Honor.

18 THE COURT: Are you satisfied to this point, to  
19 the best of your knowledge, that Ms. Cochran's  
20 constitutional and other rights have been fully observed?

21 MR. JOHNSON: Yes, I am.

22 THE COURT: And do you concur in her now stated  
23 intention to enter a plea of guilty?

24 MR. JOHNSON: Pursuant to the plea agreement, yes,  
25 I do, Your Honor.

1           THE COURT: And, Ms. Cochran, based on that, I  
2 find that there is a sufficient factual basis for your plea  
3 of guilty.

4           Do you understand, Ms. Cochran, that you're pleading  
5 guilty to felony offenses and that if your plea is accepted,  
6 you will be adjudged guilty of those offenses?

7           THE DEFENDANT: Yes, Your Honor, I do.

8           THE COURT: And I will tell you that that judgment  
9 may deprive you of valuable civil rights, such as your right  
10 to vote, to hold public office, to serve on a jury, and to  
11 possess any kind of firearm or gun.

12          Now, do you understand that you expose yourself, as to  
13 Count 6 of the indictment, to a maximum penalty of 20 years  
14 imprisonment by entering into this plea agreement?

15          THE DEFENDANT: Yes, sir, I do.

16          THE COURT: And do you understand that, in  
17 addition to this, I may fine you up to \$250,000.00, or twice  
18 the gross pecuniary gain or loss resulting from the offense?

19          THE DEFENDANT: Yes, Your Honor.

20          THE COURT: And do you understand that, in  
21 addition, you would be subject to a term of supervised  
22 release of as much as three years on Count 6?

23          THE DEFENDANT: Yes, Your Honor.

24          THE COURT: Let me tell you, as well that  
25 supervised release means that after imprisonment, you would



1 be supervised by a probation officer under conditions set by  
2 the Court.

3 Now, if you violated the terms of supervised release,  
4 the Court could revoke your term of supervised release and  
5 order you to serve up to two years in prison.

6 Do you also understand that, in addition, you would be  
7 required to pay a special assessment of \$100.00 for having  
8 been convicted of this felony offense?

9 THE DEFENDANT: Yes, sir, I do.

10 THE COURT: And do you understand that, in  
11 addition, you would be required to make restitution to any  
12 crime victims?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: And do you understand the amount of  
15 restitution you have agreed to pay may exceed the actual  
16 loss to the victim, or victims, arising out of offenses to  
17 which you are pleading guilty?

18 THE DEFENDANT: Yes, sir, I do.

19 THE COURT: Now, all of that is as to Count 6.  
20 Let me talk to you about Count 18. On that count, you are  
21 looking at a maximum penalty of ten years. You may be  
22 fined, again, up to \$250,000.00, or twice the gross  
23 pecuniary gain or loss resulting from your conduct,  
24 whichever is greater, another supervised release term of  
25 three years; also, a separate liability for two additional

1 years in prison if you violate your supervised release term;  
2 another special assessment of \$100.00; and the same  
3 restitution obligations about which I spoke to you earlier.  
4 Do you understand that?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: And so, that aggregates to a maximum  
7 term of imprisonment on both counts of 30 years; a  
8 \$500,00.00 fine, or twice the gross pecuniary gain or loss  
9 resulting from your conduct, whichever is greater; a  
10 supervised release term of three years, because the  
11 supervised release term on each count would run  
12 concurrently; and then, I would say that if the Court --  
13 well, the Court would impose the \$200.00 special assessment  
14 for the two felony offenses. The restitution obligations  
15 remain the same. And do you understand that you have  
16 agreed, pursuant to the plea agreement, to make restitution  
17 in the amount of \$2,564,000.00 -- \$564 -- \$63.33, less the  
18 amount of money returned to the victims if the Court so  
19 decides to treat those payments as credit against your  
20 restitution debt?

21 THE DEFENDANT: Yes, sir, I do.

22 THE COURT: Now, your plea agreement contains a  
23 criminal forfeiture provision that provides you agree to  
24 forfeit to the United States a number of items of property  
25 set forth in the plea agreement. Are you familiar with that

1 listing that is set forth in the plea agreement dated  
2 September 8th, 2020?

3 THE DEFENDANT: Yes, sir, I am.

4 THE COURT: Well, what was the connection between  
5 that property to be forfeited and the crimes to which you  
6 are pleading guilty?

7 THE DEFENDANT: It's my understanding that it was  
8 all purchased with business funds that were brought in from  
9 investors. There's a few things on the forfeiture list I  
10 wasn't even aware of, but if the Government has it, I agree  
11 to forfeit it and I don't lay any claim to it.

12 THE COURT: Understood.

13 Have you and Mr. Johnson discussed the application of  
14 the United States Sentencing Guidelines guideline?

15 THE DEFENDANT: Yes, sir, we have.

16 THE COURT: I want to tell you a few things about  
17 the guidelines. First, I can't determine the applicable  
18 advisory guideline range until after the Presentence  
19 Investigation Report has been completed by the probation  
20 officer and then, both you, and the Government, and Mr.  
21 Johnson will have an opportunity to review it and challenge  
22 anything therein.

23 Now, I will tell you the sentence I may impose may be  
24 different from any estimate Mr. Johnson or anyone else may  
25 have given you. What I will do is calculate the applicable

1 advisory U. S. guideline range, consider that guideline  
2 range, and then also consider any possible departures under  
3 the guidelines and any other sentencing factors pursuant to  
4 18 U. S. C. Section 3553(a).

5 Now, Mr. Paragraph 13 of the plea agreement contains a  
6 provision pursuant to Rule 11(c)(1)(C) of the Federal Rules  
7 of Criminal Procedure and, in that provision, the parties  
8 agree that a sentence of imprisonment of at least 37 months  
9 and no more than 135 months is appropriate in this case. Do  
10 you understand that this agreement, pursuant to Federal Rule  
11 of Criminal Procedure 11(c)(1)(C), only applies to a  
12 sentence of imprisonment and it's not binding on the Court  
13 unless and until the Court accepts the plea agreement? Do  
14 you understand that?

15 THE DEFENDANT: Yes, sir, I do.

16 THE COURT: I'll tell you, as well, that if the  
17 Court refuses to accept the plea agreement, you have the  
18 right to void it and withdraw from your guilty plea.

19 Now, I will tell that I'm not bound by the advisory  
20 guideline range and I have the authority to impose a  
21 sentence that is more or less severe than the sentence that  
22 would otherwise be called for by the guidelines.

23 I want to tell you, as well, that parole has been  
24 abolished and you would not be released on parole if you are  
25 sentenced to prison.

1           Also, if you don't like my sentence, you would still be  
2 bound by your plea and would have no right to withdraw it,  
3 assuming, again, that the Court accepted the plea agreement  
4 and chose to impose sentence consistent with the agreement.  
5 Do you understand all of that?

6           THE DEFENDANT: Yes.

7           THE COURT: Do you understand also that you have  
8 the right to testify at the sentencing hearing, if you so  
9 desire?

10          THE DEFENDANT: Yes, Your Honor.

11          THE COURT: Now, let me talk to you about  
12 appellate rights. Ordinarily, you would have the right to  
13 appeal your conviction if you believed your guilty plea was  
14 unlawful, or involuntary, or there was some other  
15 fundamental defect in the proceedings that was not waived by  
16 your guilty plea or the plea agreement. And I would say  
17 that you and the Government have the right to appeal any  
18 sentence that I impose, but in the plea agreement, you have  
19 waived much of that right to challenge your guilty plea,  
20 conviction, and sentence by a collateral attack. A  
21 "collateral attack" is simply an action that you would file  
22 in federal court separate from your criminal case to try to  
23 attack your conviction or sentence. Do you understand that?

24          THE DEFENDANT: Yes, Your Honor, I do.

25          THE COURT: Now, I will tell you that the waivers

1 you have agreed to do not apply to a post-conviction  
2 collateral attack or even a direct appeal based on a claim  
3 of ineffective assistance of counsel. You retain the right  
4 to bring a direct appeal or a collateral attack that is  
5 based on any claim that your attorney was ineffective. Do  
6 you understand that?

7 THE DEFENDANT: Yes, I do.

8 THE COURT: And do you understand that you have  
9 waived all rights to request to receive from any department  
10 or agency of the United States any records related to the  
11 investigation or prosecution of your case under the Freedom  
12 of Information Act or the Privacy Act following final  
13 disposition?

14 THE DEFENDANT: Yes, sir, I do.

15 THE COURT: And have you discussed the waiver of  
16 these appellate rights with Mr. Johnson?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: And having done so, do you still wish  
19 to waive these rights?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Well, Ms. Cochran, based upon all of  
22 your answers, I find that you understand the nature of the  
23 charges and the consequences of pleading guilty.

24 Now, let me talk to you about your constitutional  
25 rights. I'm sure you know and you have availed yourself of

1 the right to have an attorney during every stage of the  
2 Government's prosecution of this matter and you had the  
3 right to have counsel appointed to you if you couldn't  
4 afford an attorney and I believe you availed yourself of  
5 that right in this case.

6 You have the right to continue to plead not guilty to  
7 the charges, if you wish to do so, but if you continue to  
8 plead guilty, you give up your right to a speedy and a  
9 public trial by a jury. Do you understand that?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: And by doing so, you give up your  
12 right to force the Government to come forward with witnesses  
13 and evidence against you. Do you understand that?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Do you know that you would have been  
16 presumed innocent until the Government presented enough  
17 evidence, if ever, to satisfy both this judge and a jury of  
18 your guilt beyond a reasonable doubt?

19 THE DEFENDANT: Yes, sir, I do.

20 THE COURT: Do you understand when you admit your  
21 guilt, as you're doing here, you relieve the Government of  
22 the burden of proving your guilt?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Now, do you understand that you and  
25 your counsel, Mr. Johnson, would have had the right to

1 confront and cross examine your accusers and to test the  
2 truth of what they said at trial?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: Do you understand that had you desired  
5 to go to trial and wished to call witnesses, you would have  
6 been entitled to the services of the United States Marshal  
7 to bring those witnesses to court under subpoena?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: And by pleading guilty, you're giving  
10 up that right to call witnesses except at your sentencing.

11 THE DEFENDANT: I understand, Your Honor.

12 THE COURT: Do you understand you would have had  
13 the right to move to suppress any evidence of any nature  
14 that was illegally or unlawfully obtained?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: And do you understand that you would  
17 have had the right to testify at trial had you decided to do  
18 so, but that you could never have been forced or compelled  
19 to testify and that, indeed, the Court would have instructed  
20 the jury, had you gone to trial and remained silent; that  
21 is, chosen not to take the witness stand, or call any  
22 witnesses, or even to present any evidence whatsoever in  
23 your behalf, that they could not, the jury could not convict  
24 you because of your exercise of your constitutional right to  
25 remain silent, but only based, again, on proof offered



1 beyond a reasonable doubt by the Government?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Ms. Cochran, I find based on those  
4 answers that you understand the constitutional and other  
5 legal rights you're giving up by pleading guilty.

6 Now, knowing all of these things, Ms. Cochran, do you  
7 still wish to plead guilty at this time?

8 THE DEFENDANT: Yes, sir, I do.

9 THE COURT: Has any person forced you, or  
10 threatened you, coerced you, intimidated you, or talked you  
11 into entering a guilty plea against your will?

12 THE DEFENDANT: No, sir, they have not.

13 THE COURT: Are you acting voluntarily and of your  
14 own free will by entering this guilty plea and is it,  
15 indeed, your decision?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: Has anyone promised you or told you  
18 something that's different from what I've told you here  
19 today in order to get you to plead guilty?

20 THE DEFENDANT: No, sir, they have not.

21 THE COURT: And have you, indeed, been fully able  
22 to understand what's going on here today?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Now, Ms. Cochran, based on those  
25 answers, I find that your guilty plea is voluntary.

1 Do you have any questions or second thoughts about  
2 entering a guilty plea?

3 THE DEFENDANT: No, sir. Thank you.

4 THE COURT: If not, please sign the Written Plea  
5 of Guilty Form that Mr. Johnson has.

6 And then, Mr. Johnson, if you would sign it, as well.

7 MR. JOHNSON: Yes, Your Honor.

8 Your Honor, both myself and Ms. Cochran have signed the  
9 Written Plea of Guilty Form. I will tender it to the  
10 courtroom deputy upon the conclusion of this hearing.

11 THE COURT: Thank you very much.

12 Let the record reflect, as Mr. Johnson said, that Ms.  
13 Cochran has executed the Written Plea of Guilty Form, that  
14 Mr. Johnson has also signed it, and that it will soon be  
15 tendered in person to the clerk for filing.

16 In the case of *United States v. Natalie P. Cochran*, I  
17 find that Ms. Cochran is fully competent and capable of  
18 entering into an informed plea, that there is a sufficient  
19 factual basis for her plea of guilty, that Ms. Cochran  
20 understands the nature of the charges and the consequences  
21 of a guilty plea to those charges, and that she understands  
22 the constitutional and other legal rights she's giving up  
23 because of the plea.

24 I also find that Ms. Cochran's plea is voluntary.

25 While I have deferred acceptance of the plea agreement

1 until I have had an opportunity to review the Presentence  
2 Investigation Report, Ms. Cochran, I do accept your guilty  
3 plea.

4 I'm going to defer the adjudication of guilt given the  
5 nature of your plea agreement at this time and I do this so  
6 that I can review their Presentence Investigation Report  
7 first.

8 I direct the Probation Office to conduct a Presentence  
9 Investigation of Ms. Cochran, prepare a draft Presentence  
10 Investigation Report, and disclose its contents to the  
11 Government and the defendant, Ms. Cochran, no later than  
12 November 16, 2020.

13 I further direct that counsel make any objections to  
14 the draft report no later than November 30, 2020.

15 The final report will then be due to the Court no later  
16 than December 14, 2020.

17 Both parties must file sentencing memoranda with the  
18 Court no later than December 21, 2020 and, counsel, please  
19 include any objections you intend to pursue in your  
20 sentencing memorandum.

21 Now, the Presentence Report deadlines have been set by  
22 the Court and can only be modified after a showing of good  
23 cause by counsel in writing.

24 If there are no objections, I'm going to set this case  
25 down for sentencing on January 4, 2021 at 11:00 a.m.

1           Now, it's my understanding that Ms. Cochran is  
2           presently on home detention. I'll be willing to hear from  
3           the Government regarding its views of the continuation of  
4           that protocol.

5           MS. ROBESON: Your Honor, we will follow the  
6           recommendation of Probation and continue her on home  
7           detention until sentencing.

8           THE COURT: Understood.

9           Do you wish to be heard on that, Mr. Johnson?

10          MR. JOHNSON: No, not at this time, Your Honor.  
11          Thank you.

12          THE COURT: Well, Ms. Cochran was originally on  
13          home incarceration and I believe has been on home detention  
14          since December, 2019. No violation reports have been filed  
15          and the Release Status Report, as noted by Ms. Robeson,  
16          suggests that Probation does not oppose Ms. Cochran  
17          continuing home detention on her previously executed bond.

18          So, I find by clear and convincing evidence that Ms.  
19          Cochran is unlikely to flee and unlikely to pose a danger to  
20          any other person or the community if she is released.

21          Ms. Cochran, I order you to make such arrangements as  
22          are necessary with the United States Marshal's Office and  
23          Probation after this hearing.

24          You are released on your previously executed \$10,000.00  
25          surety bond subject to the conditions set forth in the order

1 setting conditions of release previously filed herein and  
2 any special conditions that were also set.

3 Now, I'm directing you to appear back here on January  
4 4th, 2021 at 11:00 a.m. and I do want to tell you something  
5 that's very, very important. If you don't appear, I may  
6 impose an additional sentence upon you of up to ten years in  
7 prison or \$250,000.00 as a fine as to Count 6 and it would  
8 be five years and a \$250,000.00 fine as to Count 18. It's  
9 essential that you appear as directed.

10 If you commit any offense whatsoever while released on  
11 your bond pending sentence, then in addition to any sentence  
12 I may impose upon you for your conviction here today, in  
13 addition to any sentence for that offense, which the law  
14 provides, I must impose an additional sentence.

15 If you commit a felony, I might sentence you to an  
16 additional term of ten years. So, I would ask you, and I  
17 believe that would be a consecutive penalty, to simply do  
18 what have you done heretofore, Ms. Cochran, and that is  
19 comply to the letter with the conditions that have been  
20 imposed and then we will see you back here on January 4th.

21 Is there anything else that the parties wish the Court  
22 to take up at this time?

23 MS. ROBESON: No, Your Honor.

24 MR. JOHNSON: No, Your Honor. Thank you.

25 THE COURT: Thank you. The Court is in recess.

1 (Proceedings concluded at 11:54 a.m., September 21,  
2 2020.)

3  
4  
5 CERTIFICATION:

6 I, Ayme A. Cochran, Official Court Reporter, certify  
7 that the foregoing is a correct transcript from the record  
8 of proceedings in the matter of United States of America,  
9 Plaintiff v. Natalie P. Cochran, Defendant, Criminal Action  
10 No. 5:19-cr-00247, as reported on September 21, 2020.

11  
12 s/Ayme A. Cochran, RMR, CRR

October 14, 2020

13 Ayme A. Cochran, RMR, CRR

DATE